

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Douglas McClendon,

No. 22-cv-3006 (KMM/LIB)

Petitioner,

v.

ORDER

United States of America; US Marshall;
Joel Broth; Sherburne County; Brian
Frank;

Respondents.

The above matter comes before the Court upon the Report and Recommendation (R&R) of United States Magistrate Judge Leo I. Brisbois, dated January 3, 2022. Judge Brisbois recommends that this action be dismissed without prejudice under Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. No objections have been filed to that R&R.

The Court reviews de novo any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). In the absence of objections, the Court reviews the R&R for clear error. *Nur v. Olmsted County*, 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b) and *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). Based on the Court's review of the R&R and the record in this case, the Court finds no error, accepts the R&R, and dismisses this action without prejudice for failure to prosecute.

The Clerk of Court is directed to mail a copy of this Order to Mr. McClendon at the following address:

Douglas Edward McClendon
Reg. No. 69732-509
FCI-Oxford
Federal Correctional Institution
P.O. Box 1000
Oxford, WI 53952

Accordingly, IT IS HEREBY ORDERED:

1. The R&R [Dkt. 3] is ACCEPTED.
2. This action is DISMISSED without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute.

Let Judgment Be Entered Accordingly.

Date: **March 22, 2023**

s/ Katherine M. Menendez

Katherine M. Menendez
United States District Judge